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A PENAL POLICY  
*for*  
NEW ZEALAND

DEPARTMENT OF JUSTICE



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## *Introduction*

It is almost forty years since a comprehensive statement on national policy in the penal sphere was made and since the whole pattern of criminal justice laws was completely reviewed. It is felt, therefore, that the time has now arrived when we should take stock of the position to see whether these laws are best designed to fulfil their purpose in the changed conditions which now obtain. A revision has accordingly been undertaken, and Bills which embody some important changes in the provisions for the sentencing and treatment of offenders have already been introduced into Parliament for consideration at the current session. These Bills have as their object the better protection of society against law-breakers. Consequently, it is thought appropriate that the Department of Justice should give some account of the state of criminality in the Dominion and what is being done within its functions to reduce the incidence of crime.

In this brochure the problem of crime is briefly surveyed and an outline given of the principles on which the Department acts in fulfilling its duty to provide better protection for society. The substance and the purpose of the proposed changes in the law are also given.

The prevention, detection, and punishment of crime and the maintenance of our prison and reformatory institutions cost this country no less than £2,500,000 per year—a heavy sum for a population of only two million people. The Government must therefore be ever mindful of the need to keep a watchful eye on expenditure, and believes that the application of modern principles in the administration of penal law is a paramount factor in attaining this goal. Care must, however, be taken to see that no considerations of expense are allowed to obscure the overriding importance of ensuring at all times that no effort is spared to bring the offender to book and to provide adequate safeguards against escapes.

I commend this brochure to all those—and it should be the concern of the whole community—who are interested in coping with what is undoubtedly a serious social problem.

A handwritten signature in dark ink, appearing to read 'Stephen Leake', with a stylized flourish at the end.

*Minister of Justice.*

August 1954.



## A PENAL POLICY FOR NEW ZEALAND

### *The Problem to be Faced*

#### *The Facts*

No citizen can afford to be apathetic towards the problem of crime. That there is public apathy is probably due to the fact that comparatively few people suffer from the acts of criminals and to the comfortable belief that crime in this country is not a serious problem.

Unfortunately, such a belief is quite fallacious.

Our total volume of serious crime compares unfavourably with that of many other countries, and it is perhaps insufficiently realized that, if we consider only proven cases, there is in relation to population more serious adult crime in New Zealand than there is in England and Wales.

Each year, in relation to population,

WE HAVE MANY MORE people convicted of all offences in the Courts than they have in England and Wales.

WE HAVE ALMOST AS MANY people convicted of crimes against property as they have in England and Wales.

WE HAVE MORE people convicted of crimes against the person than they have in England and Wales.

WE HAVE MORE than one and a half times as many people convicted of sexual offences as they have in England and Wales.

There is no simple answer. We can dispose of the facile argument that it is because our punishments are comparatively light. Our rate of increase for sexual offences between 1949 and 1952 was considerably greater than was that for England and Wales, yet our punishments were consistently higher; 69 per cent of all sexual offenders in New Zealand were sentenced to a term of imprisonment in 1952, whereas only 40 per cent were so sentenced in England and Wales.

The situation is extremely serious, and there is not much comfort to be found in the prospects for the immediate future. Already, in relation to population, we have 50 per cent more people in our prisons daily than they have in England and Wales; we have one and a half times as many young people sentenced to Borstal; and we have twice as many young people sentenced to imprisonment.

It cannot even be said that our criminals are only foolhardy young people who, having once appeared in Court, rapidly come to their senses and become law-abiding and respected citizens. Many, of course, fall within this category, but of the 965 men in prison on 1 June 1954 who

were serving sentences of over three months, 789, or 81·7 per cent, had previous convictions. This figure takes no account of appearances in the Children's Courts, where no conviction is registered.

That is the extent of the problem, and, remarkably, it exists in a country of high living standards, full employment, universal education, healthy children, and in which there are perhaps unrivalled opportunities for honest self-advancement.

That is why no citizen can afford to be apathetic towards the problem of crime.

### *The Responsibility for Action*

Because in almost every instance of serious crime there is a victim among the law-abiding citizens, the people have a right to demand that they be protected from criminals. The degree of protection can be increased in a variety of ways: by political, social, and moral action calculated to reduce the causes of crime; through wise sentencing by the Judiciary when crimes have been detected and proved; by adopting and implementing the soundest principles of penal treatment so that a person once convicted may be diverted from further crime.

It would be unrealistic to imagine that crime will ever be eliminated from this country, but it ought to be possible greatly to reduce its total volume. This can be achieved in two ways: by preventing the first crime, and by preventing the repetition of crime. The first method is the more important and the more hopeful.

The first offence, if it is one of any gravity, is the hardest to commit, because it requires the offender to discard whatever sense of personal and social responsibility he may possess. Once this defence has been broken down it demands a great effort to rebuild it and to restore it to its original strength. Crimes become progressively easier to commit as the sense of personal and social responsibility is weakened or dulled.

It is true that the Department of Justice has no direct part to play in the preventing of the first offence, but that, of course, does not mean that we are not interested in this vital task. Perhaps our greatest contribution would be in the field of research.

But beyond question it is our responsibility to seek to protect the public from the repetition of crime by convicted offenders; any differences of opinion lie only in the methods adopted to achieve this end, and not in the end itself.

### *Approaches to the Problem of Penal Treatment*

There are two main approaches to the problem of the treatment of offenders. Each seeks the protection of the community against crime and against recidivism, that is, the repetition of criminal acts by a person already convicted of a crime.



## *Deterrence*

The deterrent approach to penal treatment is based upon the belief that exemplary sentencing and punishment will not only discourage an offender from repeating his offence, but will simultaneously deter potential offenders from committing offences similar to those for which a deterrent sentence is passed.

Most penal administrations have at one time or another looked to severe punishment to provide them with the answer to crime; death, mutilation, physical pain, and spirit-breaking imprisonment have all been tried. In the light of experience it cannot be fairly held that such extreme deterrence and punishment is alone the answer to crime. Some offenders will be frightened away from further crime by the unpleasantness of the punishment, but many others will become degraded, more embittered, and more dangerous criminals. Nor does this method appear effectively to have deterred other potential offenders.

This deterrent approach to penal treatment has been modified and refined and it has an important place in any modern penal system; yet its value remains limited and it is not sufficient in itself.

Apart from its general conditioning effect, it will have little influence upon those who do not premeditate their offences, upon those who cannot assess the consequences of their own actions, or upon those who are prepared to gamble that they will not be caught.

## *Reformation*

The second method is that of reformation, namely the imposition of a sentence which in each particular case is deliberately selected as being the one most likely to restore the offender to the ranks of law-abiding and industrious citizens. If it proves successful, then the people have been protected to the extent that an offender has been diverted from further crime. Again it is not the whole answer to the problem of penal treatment. Reformation can be often confused with leniency, and if it were accepted as the sole penal method it might well act as an encouragement to the potential offender who, calculating the advantages to be derived from a crime against the possible disadvantages of being caught, will gamble upon his receiving a lenient sentence and will not be deterred.

The method of penal treatment of a criminal, both in regard to the sentencing and to the execution of the sentence, must be deterrent or reformative according to the best interests of the community.

Some extremists would wish to see us adopt a purely repressive attitude, others would have us believe that society is more to blame than the criminal. We do not subscribe to either extreme; the evidence shows clearly that punishment alone is not generally effective, while those who have experience in handling offenders would say that most are responsible for their actions.

## *The Principles Guiding the Department*

Given suitable legislation and the support of the Courts, there are five main principles by which we would be guided in our efforts to prevent recidivism.

First, it is our prime duty to take every practicable step to divert men from a life of crime while they are yet malleable and comparatively inexperienced in crime. To this end we believe in a constructive prisons policy, and in a developed and fully efficient Probation Service which offers the only continuing form of penal treatment that leaves the offender within the community under supervision.

Secondly, imprisonment should be considered only as a last resort for young or inexperienced offenders.

Thirdly, short terms of imprisonment must be reduced to an absolute minimum. Such sentences are of insufficient length to allow of any form of effective training or even to act as a real deterrent, but they are of quite sufficient length to expose the offender to all the dangers of contamination which cannot be entirely avoided in any prisons system.

Fourthly, in those cases where some form of institutional training or detention is essential, every possible reformatory influence must be brought to bear upon the prisoner.

Fifthly, those offenders who fail to respond to these reformatory influences, and who show an intention to persist in a life of crime, must be placed in custody for a long period of time in order that the community may be protected from them, and in order that they themselves may realize the futility of their criminal activities.

There is no safety in undue severity. There is no room for emotionalism. The reformable must be trained for citizenship; the deliberate and persistent offender must be removed from the community for a long period of time.

Within the sphere in which we operate, the first attempt at training for citizenship is likely to fall to the Probation Service.

## *The Role of the Probation Service*

### *History*

Probation, with its principle of a conditional suspension of any punishment supplemented by personal supervision and guidance, is a comparatively modern creation. An unofficial system of probation was operating in some Courts in both England and the American state of Massachusetts early in the nineteenth century, but the first enactment, that of Massachusetts, was not passed until 1878. By passing the First Offender's Probation Act in 1886 New Zealand was the first



country or territory in the world to follow Massachusetts in making statutory provision for the introduction of a fully fledged probation system.

The Act was limited to first offenders, and only those first offenders convicted of the less serious offences. It was amended in 1903 and consolidated in 1908, but it was not until the passing of the Offenders Probation Act in 1920 that the framework of our existing Probation Service was completed. The first full-time Probation Officers were appointed in 1926.

### *The Use Made of Probation*

Because of its history, probation came to be linked with young or first offenders, and this still remains the general rule. Nevertheless, there is increasing evidence that it can be an effective form of treatment for the older offenders and even for those who have a number of previous convictions.

Subject to the overall consideration of the protection of the community, the question whether in any case probation should be granted should depend on the attitude and potential of the offender. Probation should never be regarded as a minor punishment for a trivial offence, irrespective of the offender's likelihood of responding to the probation method.

The use made of probation in New Zealand varies greatly from district to district. About 1,000 men and women are placed on probation each year (that is, about 1 in every 28 persons convicted by a Court of an offence, excluding traffic offences). In some Courts the proportion is as high as 1 in 10, in other Courts the proportion is as low as 1 in 125. It does not seem that this difference in the use of probation can be explained solely by the local conditions, by the types of crime committed, or even by the composition of the majority of the local population.

It is frequently averred that Maoris laugh at probation and fail to respond to its methods; no doubt this is true in particular instances, but there seems to be little truth in the assertion generally. Failure to respond to probation will customarily lead to the probationer being brought back to Court for a breach of his probationary licence; during the five years 1949-53 (inclusive) it was necessary to initiate action for a breach of probation against 12.6 per cent of all European probationers and against 15.5 per cent of all Maori probationers (the figures for men only are 12.9 per cent and 14.8 per cent respectively). The difference of 1.9 per cent between the men is not sufficient to justify the generalization that Maoris do not respond to probation.

Quite apart from all humane and personal considerations, probation is by far the cheapest form of continuous penal treatment since the cost of supervising a probationer for a year is only about £12, or less than

one-twentieth the cost of detaining him in prison for a similar period. In addition, a person on probation remains in productive employment and is able to maintain his family, which might otherwise become a burden upon the State. An experienced and efficient probation service is a public asset and economy.

### *Inquiry Reports*

It has been said that, while a Court will afford all the time necessary for the trial of an offender, it often allows too little time for deciding upon his sentence; yet the sentence of the Court is of the utmost social importance. There is as grave a risk in an unnecessary prison sentence as there is in the exercise of unwarranted leniency. Save where a statutory penalty is laid down for a particular offence, consideration should be given to the character and circumstances of the offender in assessing the severity of the sentence. For example, it is socially less defensible to steal for greed than it is to steal for genuine need; again, the automatic cancellation of a driving licence may be merely an inconvenience for one man, whereas for another it may mean bankruptcy and a family tragedy.

So that a sentence may protect the public interest and be just to the individual, the Court should have the fullest possible information about the offender not only in regard to his previous offences, but also in regard to him as an individual. It is one of the major tasks of the Probation Service to make inquiries and produce reports which tell the Court about the offender's history, and background, domestic and financial circumstances, employment record and reputation, interests, character, and general attitude towards his offence and towards society. The report should in sum present to the Court a clear picture of the offender, both as an individual and as a member of society, showing the circumstances which led up to the offence and, in the light of the whole information, assisting the Court to come to a right and just sentence.

This information cannot be satisfactorily obtained in a short time, and sentence may therefore have to be postponed to allow inquiries to be made. Statements made by the offender have to be checked; families and employers have to be interviewed; it may be necessary to follow up some particular period of his life—such as residence in a mental hospital, or a term under the supervision of a Child Welfare Officer. All these aspects of a man's life are not only relevant, but are in fact vital if the Court is to pronounce a sentence best calculated to protect the community and to rehabilitate the offender. Justice cannot afford to be insufficiently informed.

The number of investigation reports called for each year by the Courts has steadily increased; in 1951 they totalled 1,465, in 1953 the total was 1,810.



To grant probation is inevitably to take a risk, since it leaves a convicted offender at large in society with much of the normal man's freedom. It is a risk which must be taken, but it calls for very careful selection. Probation will not succeed merely because the offence was trivial, or the offender only a young man. It will succeed because the background, disposition, mental attitude, and degree of sincerity of the offender are such as to fit him for the probation method.

### *The Probation Order*

At present an offender may be released on probation for any period not exceeding five years. It is found in practice that this is not very satisfactory since, if probation is intended to be of constructive value, little can be achieved in under twelve months, while little that cannot be accomplished within three years can be accomplished in a longer period.

During the period of his probation the offender is on trial. The probation order imposes certain conditions which must be kept. The probationer must, for example, report to a Probation Officer as required; he must not change his address without permission; his employment and associates are subject to the Probation Officer's approval. If he passes through his probation period without committing a further offence and without breaking the conditions of his probation, then he is finally released without punishment. If, however, he commits a further offence, or breaks the conditions of his probation, then he can be brought back to the Court to be dealt with for the new offence, or for the breach of probation, and at the same time he can be dealt with for the original offence for which he was placed on probation.

It is therefore a misconception to regard probation as being a "let-off". It is no more than a chance to be let off. Probation is a conditional suspension of punishment. For a period of years the offender must lead an honest and useful life under supervision, and at any stage during that period he can be brought back to the Court if he ceases to live up to that standard. He can then be imprisoned or dealt with in some other way.

### *The Probation Method*

In granting probation the Court has expressed its reasonable confidence that the offender can be left within the community and can, with the assistance and the guidance of the Probation Officer, become a law-abiding and respected citizen. The task of the Probation Officer must therefore be to do everything he can to assist the offender to justify the confidence of the Court. He is not primarily concerned to express his own or the community's abhorrence of a criminal, but rather to recreate a useful citizen. He does not aim to condemn the offender



for his actions, but rather to bring him to the state of mind in which he condemns them himself and resolves to live a decent life. This is relevant to the whole question of what should in fact be the probation method.

A superimposed and impersonal discipline, linked with a routine and formal probation technique, may result in only a comparatively small percentage of offenders committing further offences during the period of their probation. This, however, is too limited a view to take, and officers should aim higher. The task of the Probation Officer is not only to pass the offender through his probation period satisfactorily, but, so far as possible, to ensure that he commits no further offences once he ceases to be on probation. The Probation Officer must seek to effect a cure rather than just to administer a palliative. This is the only true protection of the community, and it calls for a different method since, while discipline and formality may be temporarily effective, their value will only in rare cases survive the period of their imposition. The Probation Officer should be more concerned to encourage a change of attitude from within than to try to impose a change of attitude from without.

This does not mean that the probation method is sentimental, or sympathetic to crime and criminals; it merely means that it must be variable according to the character and the circumstances of the offender. One offender may need discipline and formality, another may need friendship and informality, yet a third may need discipline followed by friendship. The essential feature is that each offender shall receive that individual treatment and assistance which is best calculated to lead him to change his attitude or his environment so that he ceases to offend. The Probation Service does not regard punishment or discipline, friendship or aid, as ends in themselves; it merely uses them as a means of achieving the end, namely to establish or rehabilitate the offender as a decent citizen, and thus to protect society through the prevention of further crime.

Inevitably this means each offender must be considered as an individual and that he must be known intimately as an individual. Sometimes Probation Officers have been responsible for the making of inquiries for the Courts, for attending Courts, running an office, maintaining records, and supervising as many as one hundred probationers. It is physically impossible to do all this and at the same time effectively divert difficult cases from further offences.

A Probation Officer, in addition to his other duties, should not be called upon to supervise more than sixty offenders. This calls for a development of the Probation Service, but a good Probation Service is not a sentimental luxury; it is an essential social and, indeed, financial economy, and can play a vital part in the struggle to prevent the repetition of crime and to reduce the cost of prison administration.

## *Custody*

### *The Inherent Defects of Prisons*

Prisons exist for three purposes; to detain and punish those who break the laws of the community; to deter the potential offenders; and to train prisoners for citizenship. It is not easy to reconcile the punitive, deterrent, and reformative purposes of imprisonment, particularly because in any prison system there are inherent defects which are difficult to overcome. For example, within a prison there must inevitably be association among prisoners, and they will very rarely have a reforming influence upon each other. This must be mitigated as far as possible by the classification of the prisons, and by a careful allocation of the prisoners.

Further, a prison community is an artificial one which does not readily permit the training of the prisoner in the manner of life which he is expected to follow in a normal community. He may be an excellent prisoner simply because he is well fitted to live under conditions of supervision and routine, in which he is not called upon to exercise any great degree of willpower or stamina, or show an ability to make decisions or assume responsibilities; yet his very inability to be self-supporting in these respects may be the cause of his offending when he is a free man.

Again, it requires a great effort on the part of a prisoner to overcome the unavoidable stigma attached to imprisonment. It lessens his opportunities for suitable employment; it results in a restricting of social relationships; and the very fact of prolonged separation may lead to family estrangement.

Having regard to these difficulties, it would be much simpler for a prisons administration to concentrate solely upon the two purposes of the prisons system which relate to punishment and deterrence. Whatever reformative value there was in a prison sentence would then be derived from fear of further imprisonment, from strict discipline, and from the compulsory acquisition of good habits.

### *The Changing Views on Prison Management*

This was, in fact, the policy of prisons administrations in the last century. In New Zealand the Royal Commission of 1868 accepted that the prisons were inadequate, that there was no proper classification of the various classes of prisoners, that the system tended to corrupt, and that almost every prison could be said to be a breeding ground for crime. The opinion of the members of the Commission was that the punishments in force were neither afflictive nor irksome, neither deterrent nor reformatory, and they advocated a liberal use of the treadmill, crank, and shot drill, devices which were arduous, repetitive, and entirely unproductive forms of employment.

In these recommendations the Royal Commission was following the contemporary conception of the purpose of prisons, but the method

advocated did not, in fact, give to the community that protection which the commission thought it would provide. Men and women went into prison as criminals; many of them were released from prison more criminally minded, more experienced, more bitter, and more dangerous to the community. This came to be realized, and towards the close of the century there was a complete overhaul of the prisons administration.

It was at this time that many of the existing prisons were built following the English pattern of long, single-cell wings radiating off a central hub. These prisons were constructed of stone and they are distressingly enduring; the department would thankfully be rid of the task of attempting to introduce modern penal methods into obsolescent and unsuitable institutions.

It was at this time also that prisoners came to be employed in the development of the country. Fifty years earlier they had been "employed on the roads or public works . . . in irons or under such other restraints . . . as (might) be necessary for safe conduct . . .", but now they were to be placed out in prison camps for the clearing of land and the planting of trees. In twenty years 16,000 acres of land were cleared and over 40 million trees were planted. The success of these camps was so apparent that the prisons administration undertook the more ambitious project of permanent prison farms, and about 11,000 acres of waste land have since been cleared and developed by prison labour.

### *The Classification of the New Zealand Penal Institutions*

The penal institutions in this country have already been classified in order to reduce to a practical minimum the dangers of contamination of one prisoner by another, and so far as is possible each institution caters for a particular group of offenders. However, with the increasing population, and presumably therefore an increase in the total volume of crime, the building of new prisons and of extensions to the existing prisons is inevitable. The classification of the institutions will then have to be revised, but at present it is as follows:

#### BORSTALS AND REFORMATORIES

##### *Arohata Borstal and Reformatory*

This is a women's institution situated a few miles from Wellington. The women and girls detained there are all those sentenced to borstal training throughout the country, and also other young offenders of a type who are not yet widely experienced in crime, and who might, with individual treatment, be expected to reform. It must, however, be admitted that they present the most difficult penal problem in New Zealand since so many of them constitute moral problems. The average



population at any time is about 30, and the inmates are employed at the laundry and in gardening, and in sewing for other institutions.

#### *Invercargill Borstal and Reformatory*

To this institution are sent youths under twenty-one years of age who have been sentenced to a term of borstal, or reformatory detention. The average number of inmates is about 150, and the main occupations are farming, gardening, bookbinding, building, carpentry and joinery, and bootmaking; in all these industries a considerable emphasis is laid on the vocational training of the individual. It is in the borstal that the greatest stress must be placed upon reform, since the borstal failure so often becomes the persistent offender.

#### *Waikeria Borstal and Reformatory*

This institution, situated near Te Awamutu in the centre of the North Island, is for young offenders. The offenders are the older age group of those sentenced to borstal and others under twenty-five years of age serving long sentences. The 130 or so inmates are mainly employed on farming and horticulture, and there is a steady development of trade training in carpentry and joinery.

### GENERAL PRISONS

#### *Auckland Prison*

This is a full security prison. The average daily prison population is about 280, and these men consist of about 150 long-term prisoners who are fully experienced in crime or who are known escapers, and 130 short-term prisoners whose sentences are too short to allow for transfer, or whose retention in the Auckland district is desirable on medical, legal, or compassionate grounds. The men are employed on a variety of industrial occupations within the walls of the prison, in a quarry, and in a small garden.

A small section of the prison is set aside for older women and for young women for whom Arohata is not suitable. They are mainly engaged in laundering and sewing.

#### *Paparua Prison*

This is a medium security prison with an average daily population of 150. This number includes some who are sentenced to short terms of imprisonment whom it would not be practicable to transfer. The remainder are generally over twenty-five years of age, and they are under fairly close supervision. The main employment is on farming, quarrying, gardening, a large poultry industry, and concrete-block making.

Near the main institution there is a small prison of the bungalow type to house 3 or 4 women on remand or short sentence.

### *Wellington Prison*

This is a medium security institution, and the average prison population is between 90 and 100. Wellington serves largely as a collecting and distributing centre. Many of the prisoners are serving short sentences, having been received from Courts within the Wellington region; others are long-sentence men occupying staff jobs such as cooks and bakers; many of the remainder are held at Wellington prior to transfer to other institutions. The men are employed at cabinetmaking, printing, gardening, care of a tree nursery, and pig-breeding. Some of the prisoners work on the Arohata Borstal farm.

### *New Plymouth Prison*

This is a medium security institution with an average population of about 40 men who are engaged on gardening and pig-raising. Apart from those sentenced locally to a short term of imprisonment, the prisoners mainly consist of the overflow from Wellington and Auckland.

### *Napier Prison*

This is a prison for local offenders and for short-sentence men only. The prisoners, of whom there are about 20, are occupied in quarrying and gardening.

### *Wanganui Prison*

This is a prison for the aged and infirm, the average number of inmates being about 24. Those who are capable of working are employed on gardening and in the care of poultry.

### *Wi Tako Prison*

This is a prison farm at Trentham, near Wellington, and it is being converted into a "star" prison for those adult first offenders and others comparatively inexperienced in crime who offer the best prospects of rehabilitation. There has long been a need for a special institution for this type of offender, and Wi Tako has been selected because it offers a variety of training facilities, and is convenient to Wellington and to those services which are not available elsewhere.

## PRISON CAMPS

### *Tongariro Prison Farm*

This consists of Hautu and Rangipo Prisons situated close to Lake Taupo. The average population of the two camps is about 80 to 90, and they are all engaged on farming and land development. The men sent to these prisons are mainly the reliable and physically fit prisoners in the middle age-groups.

### *Waikune Prison*

This prison is situated at Erua, on the Main Trunk line near National Park, and is a roadmaking camp for trusted prisoners. There are on an average about 70 men at the camp and they are engaged in repairing 80 miles of main roads in addition to construction work; quarrying and a small amount of farming constitute other forms of occupation.

In addition to being employed on the industries particularly mentioned, the prisoners of each institution are, in the main, responsible for the building of staff residences, for the maintenance of all institution buildings, and for the housekeeping duties of the institutions. These all provide useful occupations for body and mind.

### *The Need for Additional Institutions*

From this brief description of the prisons and borstals in New Zealand it is clear that there are certain deficiencies.

As has previously been stated, we believe that the "reformable must be trained for citizenship; the deliberate and persistent offender must be removed from the community for a long period of time". We believe this to be a sound general principle, but occasionally the apparently reformable offender proves to be an unco-operative and unreliable prisoner; further, the persistent offender might reconsider his position if he knew that prison life could be made really unpleasant for him. We need a penal prison in order that the advantages and opportunities of the training prison, and, indeed, of the law-abiding life of the average citizen, may be made more apparent. There are already penal wings in certain prisons to which the recalcitrant prisoner may be sent, but it would be considerably more effective if one prison could be set aside for this purpose; this is not possible at present.

Again, there is no single prison to which younger prisoners serving short sentences can be sent. Today these short prison sentences for young and comparatively inexperienced offenders must carry the risk of contamination by, and association with, older prisoners since the sentences have generally to be served in the local prison. It would be a great advantage if there were a special prison for this type of offender, but again at present this is impracticable.

The existence of these two special types of prisons would considerably increase the efficiency and effectiveness of the other institutions and could play a significant part in decreasing recidivism.

## *Security and Reformation*

### *The Conflict of Interests*

The first duty of any prisons administration is to take every reasonable precaution against the escape of a prisoner. That is a clear obligation, but, as has been said, "if you want to teach a man to be punctual you must allow him to be late". If you wish to build a sense of responsibility



and self-control among prisoners, then you must be prepared at times and under reasonably safe conditions to take considered risks. You cannot tell whether a man can be trusted unless you put him on trial.

Sooner or later every prisoner will be released once more into the community. If he is to leave the prison fitted for citizenship and capable of leading a law-abiding and useful life, then regard must be had to inculcating in him those characteristics—will-power, responsibility, stability, stamina, and the desire to do right because it is right—which are essential for successful community life, and which are so often deficient in prisoners. It is extremely difficult to do this in a closed institution.

The community has a substantial and real interest in the reformation of prisoners, for if on his release a prisoner again offends, then some member of the community will be the victim. It is therefore in our ultimate interests that a reasonable degree of calculated risk should be taken in this process of reformation. It is better that a very small percentage of prisoners should escape (in fact it is under 3 per cent of the total intake) than that society should be continually burdened with men unprepared and unfitted for release. Releases under these conditions are in no one's interest; the men and women rapidly commit further offences, cause distress and loss to innocent members of the community and then return to prison.

Nothing would be easier, and more expensive, than to keep all prisoners permanently under lock and key, segregated from the community by high stone walls, and separated from each other by a cellular system. Unless, however, it is intended to have a number of prisons such as Mount Eden—and at least four would be needed—there must always be the possibility of escape though as already indicated it is comparatively rare. In fact, the experience of prison administrations throughout the world is that prisoners will occasionally escape, even from maximum security institutions. No prisons administration should become so conscious and apprehensive of the possibility of escapes as to stultify all efforts aimed at the reformation of the prisoners. It is unrealistic to deny the possibility of escape under any circumstances; one can merely take precautions to ensure that the risk is reduced to the minimum.

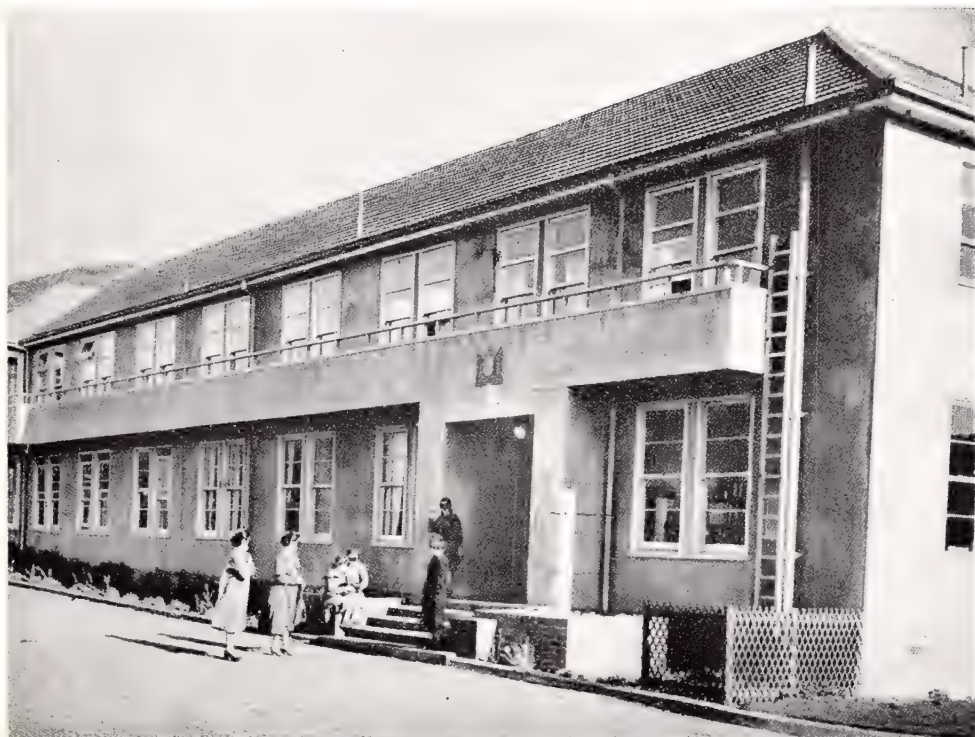
### *The Present Allocation of Prisoners*

Some prisoners are of such potential public danger or are so unreliable that their detention in maximum security institutions is essential in the interests of the community. In New Zealand today about one-quarter of all prisoners are in maximum security institutions, half in medium security institutions, and one-quarter in minimum security institutions. The majority of prisoners will start their term of imprisonment in a maximum security prison, and most, but not all, of these will end their term in a minimum security prison. The task of the department is to ensure that, so far as possible, each prisoner is allocated to the type of institution for which he is best fitted. This is the greatest practicable



*The entrance to Mount Eden Prison*

*The entrance to Arohata Girls' Hostel*



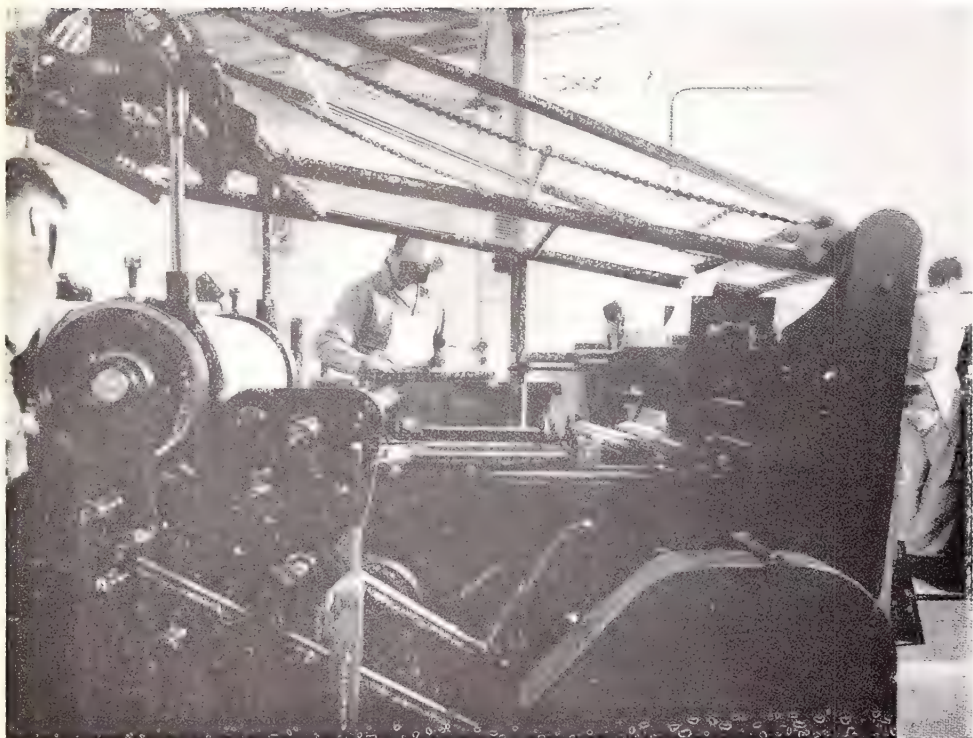


*The exercise yards, Mount Eden Prison*

*The Sportsground, Invercargill Borstal*







*The print shop, Mount Crawford Prison*

PRISON INDUSTRIES

*The quarry, Mount Eden Prison*





PRISON INDUSTRIES: FARMING











*The laundry, Arohata Girl's Borstal*

PRISON INDUSTRIES

*The sewing room, Aroha'a Girls' Borstal*

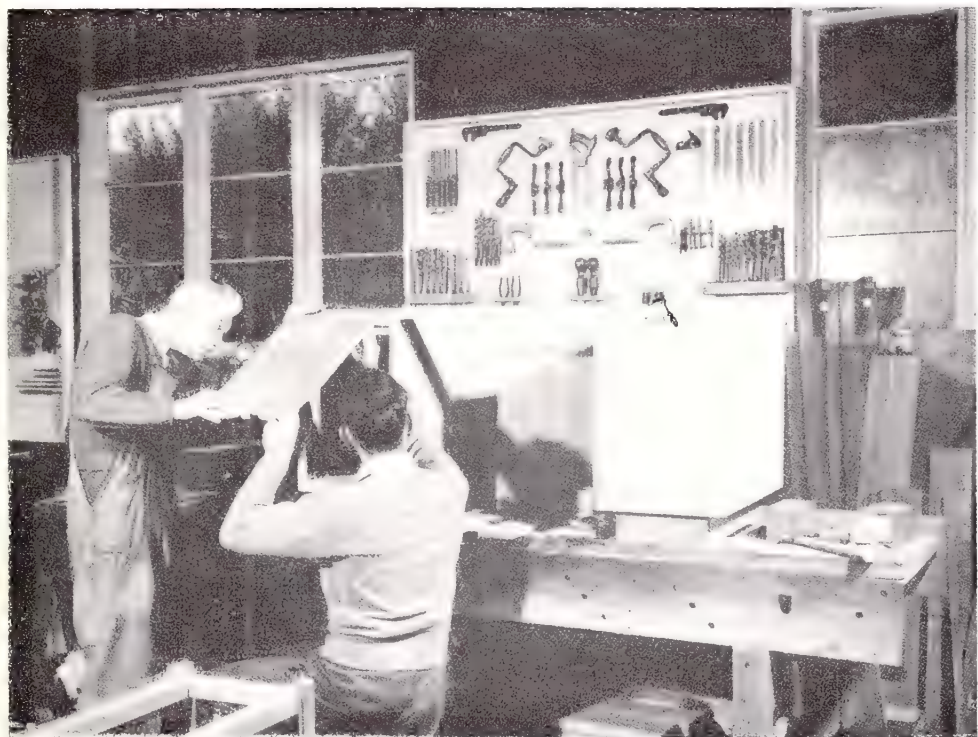




*Indreergill Borstal*

# TRADE TRAINING

*Wi Tako Prison*







WAIKERIA, TE AWAMUTU. THE SITE FOR  
WAIKERIA YOUTH CENTRE





safeguard against escape; this is the greatest hope for his effective rehabilitation. From what has been said, it necessarily follows that there must always be a number of prisoners who could, if they so wished, escape temporarily from their prisons. They are working on prison farms, in the gardens, or in some particular trusted job. It is essential that these men should be carefully selected, and proof that this is done is shown by the fact that so few of these prisoners do actually escape each year.

Prisoners, however, should not only be detained, they should also be trained. It is not enough that they should work the necessary number of hours and behave themselves. If no personal training is given or interest shown, the tedium of prison life and the lack of any need to think, or make major decisions, will eventually result in the mental and moral deterioration of the prisoners, and the release of men and women unfitted to take their place in the community.

To ensure the security of the community by guarding against the danger of escapes is one aim of the department; to ensure the security of the community by turning out men and women trained and fitted for citizenship on their release from prison is another aim of the department. To concentrate upon the one at the expense of the other would be unjustifiable. It is necessary to seek a compromise, and yet, so far as possible, to achieve both aims by a detailed consideration of the quality and needs of each individual prisoner.

## *Production and Trade Training*

### *The Importance of Work*

Every facet of prison life must be considered with regard to its potential value as a means of training the prisoners for citizenship. Only a comparatively small percentage of offenders has a good employment history; too many drift aimlessly from one job to another, or work for short periods and then spend the proceeds in days of idleness. Many men and women are in prison because of their unwillingness or inability to do an honest day's work. They must be trained to work; they must be made to realize that a healthy disciplined body is needed to produce a healthy disciplined mind, and it is a basic principle of our policy that hard, consistent, and useful work is an essential part of the training process.

It is frequently argued, and with some justification, that no man should benefit by his wrong-doing, and it is considered unjust that during a term of imprisonment an offender should receive a training in some skilled employment which is less easily available to the law-abiding citizen who remains outside prison. The case was well put by the Visiting Justices of Auckland Prison in 1881 when they wrote, "As any industrious man in this colony can earn a living without his being a skilled mechanic, it is not right to hold out a premium to

vice by teaching the rogue in prison a trade at the expense of the honest man who supports himself without the prison walls."

The argument seems fair, but it does not entirely serve the public interest. In its own protection the community has a deep concern to divert the prisoner from further crime; to punish him by imprisonment, but to train him during his imprisonment so that he is best able to live an honest life on his discharge. In times of full employment there is little public comment on prison labour, but in times of depression and unemployment it can confidently be expected that a demand—entirely justifiable—will be made for the cessation of all prison labour and trade-training which in any way jeopardizes the security or opportunity of the ordinary citizen.

Fully to employ eleven hundred prisoners is not an easy task, for no prison industry may compete in the open market; we can only produce where there is an overall shortage or for Government departments; we have a constantly changing labour force; and we do not have the opportunity to grant many incentives to raise the standard of work. We must seek simultaneously to train men to work, to give them that technical training which will be most likely to assist them to resettle as law-abiding citizens on their release, and so to work them that they reduce the overall cost to the community of maintaining the prisons.

The total cost of running the prisons and borstals in New Zealand was £480,544 in the year 1953-54. This figure is fortunately misleading because during the year the income from the prisons totalled £185,243, leaving a net cost to the community of £295,301, which is large enough in all conscience.

### *The Difficulty of Achieving Full Employment*

The prisoners work for not less than thirty to thirty-five hours a week; the hours of work for many prisoners on the prison farms are, of course, considerably longer. We would certainly wish to increase the number of hours worked each week by the prisoners; it would be advantageous in almost every way to prison discipline and management, but considerable difficulties lie in the way. For example, prison labour has to be unlocked and locked up, marched to work and searched on return; meals take longer to serve than they do in a works canteen; and most of the prisoner's domestic needs such as change of linen and bathing have to be fitted into the hours of general unlock, that is, during working hours. The greatest difficulty, however, is that prison officers, like other employees, are paid for a forty-hour week and the cost of prison management rises very steeply when it becomes necessary to pay extensive overtime and penal rates. Even more important than the additional cost is the loss of officer efficiency if longer hours are worked. The supervision and training of a prisoner working party imposes a great strain upon a prison officer, and it is unwise regularly to expect a ten-hour day or six-day week from him for he become less alert and the risk of escapes or disturbances increases.

Although it is difficult to increase the number of hours that a prisoner works each day, the prison administration can ensure that during working hours every able-bodied prisoner is employed and a high standard of work is demanded. The points system, on which prisoners' earnings are based, is calculated not only on the number of hours worked, but also on the quality and quantity of work done in an hour.

Nevertheless, even in the field of employment there are many difficulties which have to be faced. Almost four hundred out of an average daily prison population of eleven hundred are employed on farms and gardening. These are healthy and profitable prison industries, but it must be acknowledged that many of these four hundred prisoners will discontinue this type of employment upon discharge. The majority of prisoners come from the towns, and it is to the towns that they will return. While any form of consistent and constructive employment will have a high training value, employment more closely related to town industries would increase the prospects of a prisoner settling down on his release.

By gradually increasing the mechanization of the existing industries it should be possible to provide the type of training that will be most beneficial to the majority of prisoners on their release; it would incidentally make it possible to maintain or increase the total output and thereby reduce the cost to the community of the prison system; at the same time it would release a number of prisoners for technical trade training more in keeping with their ability, interest, and future employment.

### *Prison Industries*

It cannot be expected that any prisons system in a developed country can be run at a profit, although individual prisons may be. Prisoners are a drain upon public funds.

For financial reasons, as well as social reasons, the greatest benefit that the community can derive from the prisons is that offenders will leave prison "better men and women, both physically and morally, than when they came in."\* Profit should not be the sole, or even the main, consideration.

Nevertheless, the expense of maintaining the prisons can be, and should be, reduced by prison labour. So far as is possible the institutions must be self-supporting, and all surplus must be disposed of by sale to other Government departments.

By far the most profitable return for labour comes from our farming and livestock. We manage about 11,000 acres of farmland, all of which have been cleared and brought into cultivation by prison labour. There are 4,000 acres on the pumice land at Taupo, 3,000 acres at Te Awamutu, 2,000 acres at Invercargill, and 1,400 acres at Christchurch. We are pleased to have been able to hand over to Returned Servicemen 1,000 acres which we brought into cultivation at Waikeria, Te Awamutu.

\*Report of the Gladstone Committee. U.K., 1895.



We carry 17,500 sheep, including approximately 10,000 breeding ewes with a lambing percentage of 95. Our cattle total 3,573, including 1,100 dairy cows. We have 1,100 pigs and 172 sows, 112 horses, 1,560 poultry, and a number of hives of bees.

We have therefore no difficulty in being self-supporting in practically all foodstuffs, and we showed a profit of nearly £115,000 from outside sales last year.

All prison clothing and officers' uniforms are made in the tailor's shop in Auckland, and last year this showed a profit of £3,500. Bootmaking showed a profit of nearly £6,000, quarries £29,000, road construction £16,000, and mail-bag repairing £3,500. A few industries such as tobacco manufacture and blockmaking are concerned only with prison needs, and others such as bookbinding, laundry, and printing show small profits.

Over and above supplying most of our needs, the prison industries showed a profit of £174,704 last year.

By any standard this is of solid worth to the community, but these industries have the less obvious, though perhaps greater, advantage that they are constructive factors in the training of prisoners, and are therefore of real significance in the prevention of further crime.

As has already been mentioned, the essence of the problem facing the department is the prevalence of recidivism. This constructive form of employment has two values; in the first place it is right that prisoners should be put to work in such a way as to reduce the over-all expense of their imprisonment, at the same time they must be so trained both in body and mind that they do not revert to crime on their release.

Because of the problems of public security and essential classification, it is sometimes difficult to reconcile these two aims. A man may need farm training, but be so unreliable a prisoner that he has to be kept behind walls to safeguard against escape; another man may need training in a "city" trade which could be provided only if he were sent to an institution catering for prisoners who were far more experienced in crime than he.

So far as is possible we attempt to meet the needs of production and training, but considerations of public security and of classification must have first place.

### *Classification*

The key to successful prison work lies in understanding the individual prisoner, and in order to assist the prisons administration to this end Classification Boards have been established in Mount Eden Prison (Auckland), Mount Crawford Prison (Wellington), and Paparua Prison (Christchurch); these three prisons are the main reception centres.

Classification is still in an experimental stage, but it is intended that every man sentenced to imprisonment for a term of six months or more will come before a sub-committee of the Board—consisting of the Superintendent, Deputy Superintendent, and Welfare Officer of the prison—which will determine whether or not it is necessary for the prisoner to be more fully examined. According to the circumstances of each case the sub-committee will either report finally to the Administration or will call upon a psychologist, psychiatrist, Vocational Guidance Officer, Probation Officer, or any other form of specialist service which may be of assistance in defining the offender's character and potential, and in advising upon the most hopeful form of treatment while he is in prison.

One of our difficulties is to reduce to a minimum the dangers of the contamination of young and comparatively inexperienced offenders by older and persistent offenders. This is a particularly difficult problem in New Zealand, where the total number of prisoners is not high, and where there is, consequently, less justification for special categories of prisons. One of the prime tasks of the Classification Board is to advise on the question of the allocation of the prisoners.

It is also necessary to know the aptitude of the prisoner for any particular trade or employment with a view to utilizing his services to the best advantage whilst he is in prison and with an eye to his employment on release. Many offenders are educationally retarded and need further education; few have constructive or useful leisure-time interests; some are mentally ill and are in need of treatment; some have domestic problems and need advice and assistance. All these and other personal matters are the concern of the members of the Classification Boards, who will also make a preliminary suggestion as to the ultimate plans for the man's release. The Boards have no executive powers, but they furnish to the prisons administration a report on each prisoner whom they see, and their recommendations are generally carried out.

### *The Medical Services*

Every prisoner on his admission is examined by the prison medical officer, and it is our aim that throughout his sentence a prisoner should be able to receive the same high standard of treatment that he could obtain as a free citizen. Consideration is being given to the advisability of the Department of Health assuming responsibility for the prison medical services.

Dental service for the relief of pain is considered to be a reasonable charge upon public moneys, but the provision of dentures is a charge upon the prisoner. He may pay for this treatment from his prison earnings, where that is possible, otherwise it becomes a debt to be repaid upon his discharge when he is once again earning full wages.

### *Psychological Services*

Applied psychology is a new service and it has, with some justification, attracted a considerable amount of criticism. Its status has been jeopardized by pseudo-psychologists, enthusiastic amateurs, and those who regard it as a universal panacea.

Nevertheless, it has a constructive part to play in a penal administration. Experimental research into the psychological aspects of crime began twenty years ago in the English prisons, and the prison medical officers are now able to show very encouraging results.

We aim to establish gradually a similar psychological service in the New Zealand prisons. There is urgent need for work of this nature among the small minority of prisoners who need, and are willing to receive, this treatment.

At present the bias will be towards group therapy rather than towards individual treatment. This policy is not dictated purely by lack of professional staff, but arises from the belief that the reformation of the individual may be most successfully accomplished by his initial adaptation to society through a smaller group.

It cannot be expected that there will be any statistical evidence of the worth of the psychological services in the prisons for many years. This will particularly be the case since we are determined to build slowly and on very firm foundations.

### *Welfare*

When a man is abruptly taken from his family and is placed in custody it can be expected that he will leave behind him many unresolved domestic problems, and other domestic and personal problems may arise during his sentence. It is unlikely that he will be reconciled to his imprisonment or be receptive to any training measures unless he is satisfied that the immediate needs of his family have been met and that so far as possible their difficulties have been overcome.

Because of the restrictions upon his movements he may not personally be able to settle his own affairs, and it is necessary that there should be some one ready and able to assist him. For this reason, if for no other, experience has shown the value of there being a welfare officer in the prisons.

But the discussion and resolution of domestic and personal problems is not the sole task of the welfare officer. If a prisoner is eventually to be released into the community, then it is important during his period of imprisonment to pay regard to every aspect of his life as a citizen. It is not enough merely to restrict his freedom and to train him to work; he must also be kept or made mentally and morally fit. A stagnant mind and a life devoid of interest or ambitions are not assets to a prisoner seeking or expected to live a full and worthwhile life in society on his release; they will be likely to promote further crime. Yet how to maintain or create an active and healthy mind is a major problem for



a prisoner and for the prisons administration. Failure to appreciate this problem was one of the major weaknesses of the restrictive and deterrent forms of prisons organization in the last century.

It is not long since all prisoners were regularly locked in their cells at five o'clock in the evening after their daily work and remained there until eight o'clock the following morning. For a week, perhaps even for a month, this enforced solitude and uneventful existence might be of value as a training measure, but who can dispute the serious deterioration that will set in as year succeeds year? It is a protection to the community to detain a criminal in prison; it is no protection to the community eventually to release him aimless, restless, rebellious, unable to assume responsibility, and lacking all powers of self-decision. To allow a prisoner's mind to atrophy out of sheer boredom would be a grave dereliction of duty.

### *Education*

There are full-time teachers in Mount Eden Prison and in Invercargill Borstal Institution, and part-time teachers in many other institutions. It is their task to seek to improve the general education of those prisoners who have been unable to reach the level of the present Form II or the old Standard VI, and also to assist those who are undertaking further education or technical courses through a correspondence school. The interest shown in education is encouraging since in many cases it fits a prisoner for better employment on his release and thereby helps to reduce the chances of his further offending.

A number of technical classes are held in the prisons, and these include dressmaking, drama, music, woodwork, and metal work; lectures are given on world affairs, agricultural topics, and motor mechanics; debates and discussions are conducted in many institutions, and there is tuition in art and in various forms of hobby-work.

In all these activities great assistance is received from the Education Department, the Departments of Agriculture and Internal Affairs, the Council of Adult Education, the technical schools, and numerous other organizations and individuals.

Since 1945, when, as the Country Library Service, it made some provision for the Invercargill Borstal Institution, the National Library Service has year by year increased its assistance to prisons. At the present time all our institutions receive at regular intervals a generous supply of well-chosen books; in addition, inmates are permitted a free use of the Library's Request Service. By their sound advice and practical assistance the Director and his officers have done much to make the prison library the very real force it has become in the education of inmates.

An increasing number of evening activities are being introduced into the prisons, and the number of prisoners engaged on them is likewise

increasing. Very real training benefit is derived from these activities, whether they be recreational, educational, cultural, individual, or collective. These evening activities are not just "prisoners' comforts"; they are part of an over-all plan to develop and strengthen the characters of those who must, in the interests of the community, be detained for a time in custody, but who will one day be returned to the community.

From the moment that he enters prison the offender must be regarded as an individual requiring personal treatment within a framework of conformity. He must expect to receive strict discipline and hard work; he can expect to receive individual consideration and an opportunity to prepare himself for release. The two are not incompatible.

### *After-care*

As is the case with each form of penal treatment, the only valid test of its efficiency is the extent to which those who experience it abstain from further offending. The community is entitled to judge its prisons administration by the quality of citizenship shown by the ex-prisoners, always bearing in mind that the very fact of their imprisonment is indicative of their being unsatisfactory citizens on reception.

The step from the restrictions of imprisonment to the freedom of community life is a difficult one for a prisoner to take, and it is fraught with danger. If it is accepted that a prisoner on his release is to be given the opportunity to take his place again in the community, then he is entitled to reasonable assistance to enable him to achieve this objective.

On his release there are four immediate problems which face the prisoner—employment, accommodation, association, and finance.

Since the end of the war there has been no serious difficulty in obtaining employment, even if such employment has not been particularly suitable for the individual prisoner. It is, however, a persistent belief in the prisons that the majority of employers are unwilling to give work to convicted men and women; it is alleged that if they tell the employer that they have just been discharged from prison, then they will be refused employment. If, on the other hand, they take work without disclosing their past, then they are in continual fear that their secret may be uncovered and may result in their dismissal. As is so often the case, the prisoner generalizes from the particular; but it cannot be denied that such circumstances do frequently arise. It must surely be obvious that prisoners cannot be expected to resettle themselves into society if they are denied the opportunity of honest work.

Where the prisoner has no home to which he can return he is frequently faced with the greatest difficulty in finding accommodation. This problem faces thousands of law-abiding citizens throughout the Dominion, and the prisoner cannot expect to receive preferential treatment; it can only be hoped that he will not be excessively handicapped

by his past. The present inevitable tendency to congregate within the cheaper and less strictly run apartment houses of a city leads to a number of undesirable reassociations, and ultimately to further crime.

In many countries a prisoner earns a pittance for his work in prison; consequently, on his discharge, he immediately has to seek charitable or State assistance—a poor start to any honest endeavour. In New Zealand prisoners are paid a sum of 1½d. to 3¾d. an hour for their work and 60 per cent of their earnings goes to compulsory savings. The remaining 40 per cent entitles the prisoner to purchase such items as tobacco, sweets, and toilet necessities from the canteen, which, besides being a much appreciated privilege, reminds him that the comforts of life must be earned.

An average prisoner will save between 3s. 6d. and 4s. 6d. a week; on his release, therefore, he may expect to be able to be self-supporting until his first civilian wages are received. The long-term prisoner should have sufficient in savings to buy immediately new or working clothes, or a kit of tools. In emergency it is possible to grant him a loan for these purposes. A portion of his accumulated earnings is paid to him on his release, and the remainder is paid to him under the control of a Probation Officer. Every effort is made to ensure that it is wisely spent.

With few exceptions, any prisoner sentenced to one or more years' imprisonment will be released on licence and will, for a period, come under the supervision of a Probation Officer. It is departmental policy in every way to improve the after-care services to prisoners on their release. It is short-sighted to spend time, money, and effort in attempting to train prisoners for citizenship and then to cast them adrift on their release without giving them the necessary assistance to achieve this objective.

Those prisoners who are serving short sentences are under no legal obligations on their release and do not come under the supervision of Probation Officers. In many ways their difficulties on release may be the greater since they will have had no opportunity to accumulate sufficient prison earnings to support themselves until their first civilian pay day, and it is among these short-term prisoners that we find the bulk of the homeless, impoverished, and vagabond offenders who find their way into the Courts. If they receive no guidance and assistance, many of them rapidly revert to petty crime.

It is therefore a matter of great satisfaction to the department, as it should be to the community, that there is a revival in the work of the Discharged Prisoners' Aid Societies. These societies, run voluntarily by men and women in normal civilian occupations, are filling what has been a serious gap in the attempts to rehabilitate prisoners on their release. Particularly valuable work is being done by the resurrected Wellington D.P.A. and by the Discharged Prisoners Rehabilitation Society and the Paparua Service Council in Christchurch. We are also fortunate to be able to rely upon the sympathy and assistance of the churches and denominational groups.



## *The General Public*

Few things are of greater encouragement to a prisoner who is making efforts to rehabilitate himself than to see evidence of outside interest. There are many societies, associations, and individuals to whom the department is indebted for the work that they do in the prisons. Many organizations arrange to send teams into the institutions to play basketball, football, cricket, or indoor bowls, others organize debates or chess matches, while individuals conduct drama and singing groups. Some men and women have been appointed unofficial visitors and regularly give of their time to meet and talk with selected prisoners who need guidance or who have no friends outside the prison.

The interest shown by these organizations and individuals does much to lessen the feeling of isolation amongst prisoners and helps to keep them in touch with that civilian world to which they will one day return.

This service must sometimes be inconvenient and tiring to the visitors, but its value is inestimable.

## *The Future*

### *Legal Proposals*

The department believes that much can be done to reduce the rate of crime and recidivism in this country. To that end it has made certain proposals for legislative reforms. We hope that the legislative reforms will this year be included in a Bill to be known as the Criminal Justice Bill.

The Criminal Justice Bill is designed to strengthen the powers of the Courts so that they may impose sentences which will provide the most effective means of protecting the community from the activities of the criminally minded, and will, at the same time, offer better opportunities for the reform of criminals.

The objects of the Criminal Justice Bill are, first, to strengthen the provisions designed to keep out of prison those classes of offenders for whom imprisonment is neither suitable nor necessary; secondly, to establish a special means of dealing with persistent offenders; and thirdly, to make more extensive provisions for the after-care of discharged prisoners.

We hope to bring into the Criminal Justice Bill, as of application to all Courts, the provisions in the Summary Penalties Act 1939, which provide that a person under twenty-one years of age shall not be imprisoned unless the Court is of opinion that no other method of dealing with him is appropriate.

### *Detention Centre*

There is, we believe, a great need for a purely deterrent and punitive sentence which will bring young offenders to an abrupt halt and make them aware of the consequences of their actions. The department has

it in mind to introduce, as soon as practicable, a detention centre where the young adult may be sentenced to a short term of custody. Such a centre would not be organized for long-term training; it would be designed to give the offender a life of very strict but constructive discipline, physical activity, hard work, and a total absence of all amenities, activities, and comforts above those required for physical and mental health. Selection of offenders for such a centre would require great care, but there can be little doubt but that some young offenders would be diverted from further crime by giving them a fore-taste of gaol.

### *Persistent Offenders*

The persistent offenders are the main problem in prison work; they spend years of their lives in and out of prison, often for comparatively minor offences. Frequently they have poor educational backgrounds, unsatisfactory home lives, poor skills, and few worthwhile interests. They generally start their prison careers with a number of short sentences, and the pattern of crime becomes well established. A few return to prison with monotonous regularity, until, in time, their total convictions pass the century mark.

No one knows how many of such men would have led different lives but for these first short sentences. It is a sombre thought that, of the 2,354 persons sentenced to imprisonment last year, in 1,304 cases the sentences were for periods of less than three months. A sentence of less than three months gives no opportunity for training, so that, from our point of view in 1,304 cases out of 2,354, the sentences served no constructive purpose other than that of deterrence. It is hoped that the most serious consideration will always be given before sentencing an offender to prison for the first time, particularly for a short period.

To deal with the more serious cases and with those cases where a persistent tendency towards crime exists, we hope to provide for two new forms of sentence, namely, sentences of corrective training and sentences of preventive detention.

### *Corrective Training*

In 1910 the Attorney-General, the Hon. Sir John Findlay, in introducing the Crimes Amendment Act, declared that "the new method is an attempt to restore a measure of self-respect in the criminal, to find out his physical and mental state, the temperamental conditions, the environment, the circumstances which led to the crime, and, having got that information, and that data, then to prescribe special treatment which will not only protect society, but effect or tend to effect the reformation of the offender."

This "new method" was to be implemented through reformative detention, but it must be admitted that it was never realized, and today there is no fundamental distinction between reformative detention and simple imprisonment. We are proposing to re-create that distinction by means of corrective training. The distinction is essentially between the

prisoner who, on account of his age, experience, ability, and attitude, is susceptible to training and may be diverted from crime, and the prisoner who is not so readily susceptible.

We see corrective training as the sum total of the use made of all those influences which can in any way modify, or beneficially affect, a prisoner's attitude towards society. He must be led to some degree of self-realization; he must be taught the rights and the duties of citizenship; he must develop the right attitude to work and must be taught skills; if necessary his general standard of education must be improved; attention must be paid to his physical welfare and development; consideration must be given to training him for leisure, and stress must be laid upon the importance of the spiritual side of a man's nature.

Special prisons will be set aside for these corrective trainees, and the officer staff will be carefully chosen. It will be obvious that there must be a most careful selection of offenders for corrective training since so much more effort will be demanded from them than is expected of the ordinary prisoner.

Corrective training is intended to apply to the younger offender aged between twenty-one and thirty, or, in special cases, thirty-five. The present proposal is to provide that any person in the above age-group, who commits an offence punishable by imprisonment for three years or more or who is convicted for a third time for an offence punishable by imprisonment for more than three months, may be sentenced to corrective training if the Court is satisfied that, with a view to his reformation and the prevention of crime, it is expedient that he should receive training of a corrective character for a substantial time. The Court will not fix the length of the sentence, but the period of detention will be determined by the Prisons Board, having regard to the progress made in training and reformation, and subject to a maximum term of three years. This proposal is based on the belief that the true function of the Court is, first, to try the question of guilt, and, secondly, to determine whether the prisoner needs a period of corrective training. If the prisoner needs a period of corrective training, then the length of that period cannot be determined in advance and can become known only as the training progresses. There must, of course, be some maximum, and we suggest that that be fixed at three years, partly because anything longer might be out of relation to the offence, and partly because experience shows that if training cannot be effective within three years it probably cannot be done at all.

### *Borstal*

It is proposed also that the existing provisions as to detention in a borstal shall be brought into line with the proposed provisions as to corrective training. At present a Judge may sentence an offender between the age of fifteen and twenty-one years (in special cases, twenty-three) to borstal detention for a term of not less than two nor more than five years. A Magistrate may impose a sentence of not less



than one nor more than three years. The proposal is that all sentences shall be simply sentences of borstal training and that the terms shall not be fixed by the Court. A person sentenced to borstal training might then be detained for a period not exceeding three years, the actual period being determined by the Prisons Board, having regard to the conduct of the offender and the progress being made towards reformation. The view put forward is that the same principle applies as in the case of corrective training, namely, that the period of training necessary for reformatory purposes cannot be reliably gauged at the time of sentence. A sentence of corrective training or of borstal training can not, in our opinion, be measured by the Court in the way that a sentence of imprisonment is measured as being the appropriate term of imprisonment for the particular offence. In other words, the term of imprisonment appropriate for punitive or deterrent purposes can more easily be determined at the time of sentence than can the period needed for reformation by the prisoner.

#### *Preventive Detention*

The proposed new sentence of preventive detention is intended to enable the Courts to deal effectively with determined criminals—men over twenty-five years of age who have a certain number of convictions and who, in the opinion of the Judge, have shown that they are likely to continue in a career of crime. The proposal is that in any such case the Judge may impose a sentence of preventive detention. The prisoner will serve not less than 3 years or more than 14 years, the date of his release being subject to the recommendation of the Prison's Board. A substantial term of preventive detention will effectively prevent further offences by the prisoner so sentenced, and may perhaps deter others of his type, thereby affording protection to the public. Security and strong disciplinary measures will be the essential features in the control of this type of prisoner, but nevertheless, as far as is possible, it is hoped to make the regime positive rather than negative.

#### *After-care*

The proposals as to after-care are that, whenever any person is released after serving a sentence of borstal training, corrective training, or a sentence of imprisonment for one year or more (other than a sentence of life imprisonment), then that person shall be on probation for a period of at least twelve months after his release. This proposal is to be linked with the administrative change already made by the department under which the Probation Service has been brought actively into prison work. Training with a reformatory purpose should commence when the prisoner enters prison, should be fluid throughout the period of his imprisonment, and should be directed at that point of time which expires one year after his release. From that moment it is expected that the individual will stand on his own feet. Specially important is it that

the prisoner should know that an active and intelligent interest is being taken in his future, and that his future is by no means without hope.

### *National Prison Centre*

The individualization of treatment is rendered more difficult by the fact that our population is small and scattered, with the result that our prison institutions are widely spread throughout the country. This has made impossible the concentration of specialist services and training facilities which are necessary if we are to give each prisoner the treatment he needs to make him fit for release into society without making the cost to the country prohibitive.

The Government has agreed in principle to replace eventually most of the present institutions with a National Training Centre to be established at Waikeria. This centre will consist of a number of separate graded institutions, each independently managed, but all drawing on the same services and facilities. It is estimated that the centre would house about 1,500 prisoners, and there would be a village for the staff and their families.

The advantages of such a centre would be manifold; it would be less expensive to manage, and by enabling large workshops to be built and new industries to be started it should facilitate the training of the prisoner as well as being more productive. At the same time, by centralizing the prison population it would become possible, for example, to maintain a prison hospital, and to have full-time doctors, dentists, chaplains, education officers, psychologists, and other services which have an essential part to play in any prisons administration.

Clearly this plan cannot be carried into effect for some time yet, but already plans are being made and tentative steps taken towards its inauguration. Its ultimate completion will be a major advance in our penal history.

### *The Prison Officer*

The implementation of any prisons policy and the effectiveness of treatment depends very largely upon the quality of the staff. A prison officer has a twofold duty to the community—first, to retain in custody till the expiry of their sentence those men sentenced to a term of imprisonment by the Courts; secondly, so to use that period of custody that on his discharge the prisoner is more competent to settle into the community and live an honest and industrious life. These two duties exist simultaneously. They demand of the prison officer an ability to control men and fully to understand them, abilities which can only be attained through knowledge and experience.

There is very little advantage to the community in placing men in custody for a comparatively brief period of time unless on their discharge they are capable and desirous of settling down to living a law-abiding



life; this is the aim of a prisons administration. It is true that professional and technical assistance is to an increasing extent becoming available to assist the prison officers in achieving this end, but too much stress should not be laid upon this. The specialists may be able to point out the method of treatment and, to a certain extent, assist in the treatment, but essentially it is the prison officer who implements the method. If the prison officer is disinterested in the social rehabilitation of the prisoner, then no specialist can succeed in achieving the end of producing a socially adequate man on release.

Within the prison regime an increasing degree of attention is being given to the prisoner as an individual and to the particular form of training and handling which is most likely to result in his rehabilitation. This imposes upon the prison officer an obligation to regard every man under his control as an individual. He is expected to study the man, to read his case records, and to appreciate in what ways he differs from another; he will be called upon to furnish to the Classification Board, and to the after-care officer prior to the prisoner's release a report not only upon the prisoner's conduct, but also upon such matters as his reactions to imprisonment, his relations with other prisoners and the staff, his attitude towards crime, his character, potential, strengths, and weaknesses. These reports are becoming progressively more important and they have a direct bearing upon the decision as to the prisoners' suitability for release.

All of this means that officers must be found who are capable of studying and understanding men, who have it in their knowledge to diagnose individual problems, to evaluate reactions, and in a quiet way to assist in the treatment. This is the minimum standard required in a prison officer if our institutions are to be constructive training agencies and not merely residential hostels between two crimes.

The prevention of that recidivism which imposes an enormous financial burden upon the taxpayer will only be achieved through the prison staffs working together, and with specialists, in a full knowledge and understanding, not only of the problems of penology, but also of the problems of individual prisoners. The efficient and effective prisons administration is entirely dependent upon its ability to attract to the ranks of the prison officers men of high personality, good education, integrity, and wisdom.

In order that these officers may receive a basic training in the disciplinary and custodial aspects of their work, and may be assisted to acquire the knowledge, skill, and attitude required in their rehabilitative work, courses are held (at Wellington) to which all junior officers are sent.

In addition to these courses and to advanced courses for more senior officers, we have begun to hold conferences for institution Superintendents so that they may heed and discuss their common problems, and in that way both develop a full understanding of the work that is being done, and also derive encouragement and stimulation in their own efforts to achieve the aims of our penal administration.



## *Conclusions*

"The main difficulty in the way of prison reform is prejudice."\* As society changes, and as man becomes more knowledgeable and more sensitive, it is only to be expected that the methods of handling men will change. The Duke of Wellington insisted that discipline in the Army could only be maintained by the lash; a leading legal authority declared that "hanging, drawing, and quartering" was essential for the preservation of the English Constitution. Such opinions seem ridiculous today because circumstances and men have changed. To change an existing practice merely for the sake of change is folly; to change an existing practice in order to make it more efficient is the essence of progress. A prisons administration must always be prepared to change its method.

There is no future for a prisons administration which is unable to rely upon the assistance of the people; without that assistance any success that may be achieved in rebuilding character and in training for citizenship will be dissipated. We are fortunate in the help that we receive from ministers of religion, doctors, psychologists, and psychiatrists, and from men and women of good will who are prepared to give of their time to widen the interests and raise the standards of prisoners. The increasing awareness amongst employers and ordinary men and women of the significant part they can play in the prevention of further crime is most encouraging.

There is, however, no room for complacency; the amount of crime in New Zealand is disturbing, and a great deal remains to be done before crime and the repetition of crime are reduced to the practical minimum. Nevertheless, there is no reason why this should not be achieved and why New Zealand should not have the finest and most successful penal system in the world. That is our aim, nothing less; but it can only be achieved by courage, clear thinking, and the whole-hearted support of the people.

\*The Hon. Sir John Findlay, Attorney-General.



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